

108TH CONGRESS
2D SESSION

H. R. 4658

To amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2004

Mr. SMITH of New Jersey (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Servicemembers Legal
5 Protection Act of 2004”.

6 **SEC. 2. CLARIFICATION OF MEANING OF “JUDGMENT” AS**
7 **USED IN THE ACT.**

8 Section 101 of the Servicemembers Civil Relief Act
9 (50 U.S.C. App. 511) is amended by adding at the end
10 the following new paragraph:

1 “(9) JUDGMENT.—The term ‘judgment’ means
2 any judgment, decree, order, or ruling, final or tem-
3 porary.”.

4 **SEC. 3. REQUIREMENTS RELATING TO WAIVER OF RIGHTS**
5 **UNDER THE ACT.**

6 Section 107 of the Servicemembers Civil Relief Act
7 (50 U.S.C. App. 517) is amended—

8 (1) In subsection (a), by inserting after the first
9 sentence the following new sentence: “Any such
10 waiver that applies to an action listed in subsection
11 (b) of this section is effective only if it is in writing
12 and is executed as an instrument separate from the
13 obligation or liability to which it applies.”;

14 (2) by redesignating subsection (c) as sub-
15 section (d); and

16 (3) by inserting after subsection (b) the fol-
17 lowing new subsection (c):

18 “(c) PROMINENT DISPLAY OF CERTAIN CONTRACT
19 RIGHTS WAIVERS.—Any waiver in writing of a right or
20 protection provided by this Act that applies to a contract,
21 lease, or similar legal instrument must be in at least 12
22 point type.”.

1 **SEC. 4. RIGHT OF SERVICEMEMBER PLAINTIFFS TO RE-**
 2 **QUEST STAY OF CIVIL PROCEEDINGS.**

3 Section 202(a) of the Servicemembers Civil Relief Act
 4 (50 U.S.C. App. 522(a)) is amended by inserting “plain-
 5 tiff or” before “defendant”.

6 **SEC. 5. TERMINATION OF LEASES.**

7 (a) **JOINT LEASES.**—Subsection (a) of section 305 of
 8 the Servicemembers Civil Relief Act (50 U.S.C. App. 535)
 9 is amended—

10 (1) by designating the text of that subsection as
 11 paragraph (1), inserting before “The lessee on a”
 12 the following: “IN GENERAL”, redesignating para-
 13 graphs (1) and (2) thereof as subparagraphs (A)
 14 and (B), respectively, and realigning that text so as
 15 to be indented two ems to the right; and

16 (2) by adding at the end the following:

17 “(2) **JOINT LEASES.**—A lessee’s termination of
 18 a lease pursuant to this subsection shall terminate
 19 any obligation a dependent of the lessee may have
 20 under the lease.”.

21 (b) **MOTOR VEHICLES LEASES.**—

22 (1) **APPLICABILITY TO PCS ORDERS FROM**
 23 **STATES OUTSIDE CONUS.**—Subparagraph (B) of
 24 subsection (b)(2) of such section is amended by
 25 striking “military orders for” and all that follows

1 through “or to deploy” and inserting “military or-
 2 ders—

3 “(i) for a change of permanent sta-
 4 tion—

5 “(I) from a location in the conti-
 6 nental United States to a location out-
 7 side the continental United States; or

8 “(II) from a location in a State
 9 outside the continental United States
 10 to any location outside that State; or
 11 “(ii) to deploy”.

12 (2) DEFINITIONS.—Such section is further
 13 amended by adding at the end the following new
 14 subsection:

15 “(i) DEFINITIONS.—

16 “(1) MILITARY ORDERS.—The term ‘military
 17 orders’, with respect to a servicemember, means offi-
 18 cial military orders, or any notification, certification,
 19 or verification from the servicemember’s com-
 20 manding officer, with respect to the servicemember’s
 21 current or future military duty status.

22 “(2) CONUS.—The term ‘continental United
 23 States’ means the 48 contiguous States and the Dis-
 24 trict of Columbia.”.

1 (c) COVERAGE OF INDIVIDUAL DEPLOYMENTS.—
2 Subsection (b) of such section is further amended in para-
3 graph (1)(B) and paragraph (2)(B)(ii) (as designated by
4 subsection (b) of this section) by inserting “, or as an indi-
5 vidual in support of a military operation,” after “deploy
6 with a military unit”.

7 **SEC. 6. PREVENTION OF DOUBLE TAXATION OF CERTAIN**
8 **SERVICEMEMBERS.**

9 Section 511(c) of the Servicemembers Civil Relief Act
10 (50 U.S.C. App. 571(c)) is amended by adding at the end
11 the following new paragraph:

12 “(5) USE, EXCISE, OR SIMILAR TAXES.—A tax
13 jurisdiction may not impose a use, excise, or similar
14 tax on the personal property of a nonresident
15 servicemember when the laws of the tax jurisdiction
16 fail to provide a credit against such taxes for sales,
17 use, exercise, or similar taxes previously paid on the
18 same property to another tax jurisdiction.”.

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